

REMARKS

Claims 1-64 were originally filed in the present application. In the Restriction Requirement mailed September 28, 2005, the Examiner accepted the 37 C.F.R. §1.132 Declaration, and withdrew the corresponding 35 U.S.C. §§102(a) and 103(a) rejections. Restriction Requirement, pages 2-3. Additionally, in the Restriction Requirement mailed September 28, 2005, the Examiner restricted claims 1-64 into the following three groups:

- I. Claims 1-24, drawn to a composition comprising at least one dendrimer and biological agent;
- II. Claims 25-59, drawn to a method of contacting tissue with a dendrimer containing composition; and
- III. Claims 60-64, drawn to a method for transfecting a tissue by contacting the tissue with a composition.¹

Restriction Requirement, pages 3. Applicants herein elect, without traverse, to prosecute the claims of Group II. Applicants also herein cancel claims 1-24 and 60-64 in order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the canceled (or similar) claims in the future.

The Examiner further states:

“If applicants elect Group II, applicants must further elect: iii) a biocompatible or bioerodable membrane, and iv) a specific biological agent from c) nucleic acid or d) protein. Similarly, if applicants elect c), applicants must elect DNA gene that encodes protein that promotes wound healing or DNA gene that encodes protein that promotes tissue; And if applicants elects d), applicants must elect a protein that promotes wound healing that is growth factor, or protein that promotes tissue vascularization that is a growth factor. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 25 and 60 are generic. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a list of **all claims readable** thereon, including

¹ The actual Restriction Requirement indicates that Group II contains only Claims 25-58, and Group III as containing Claims 60-64. As Claim 59 is dependent upon Claim 25, the Applicants believe the listing of Group II as containing only Claims 24-58 was an inadvertent error by the Examiner. As such, the Applicants presume that Group II contains Claims 24-59.

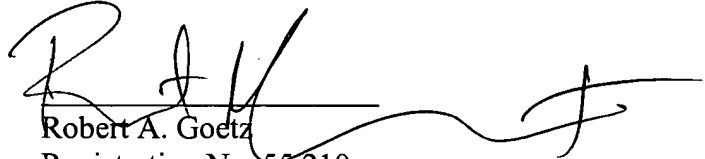
any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election. Upon the allowance of a generic claim, applicant will be entitled to consideration claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141." Restriction Requirement, pages 5-6.

The Applicants herein elect within Group II: a) a biocompatible membrane, and b) a protein that promotes wound healing as the specific biological agent. Claims 25-32, 34-43, 50-52, 55-57, and 59 are readable upon this species selection. As this is a species election, the remaining non-elected species will be examined, should the elected species be found allowable.

As such, Claims 25-59 are pending and under examination following entry of Applicant's response to the outstanding Restriction requirement. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

Dated: _____

10/28/05


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